



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,382	09/07/2005	Michel Vogler	Q86474	3947
23373 7590 09/29/2009				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
PAN, HANG				
ART UNIT		PAPER NUMBER		
2193				
MAIL DATE		DELIVERY MODE		
09/29/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,382

Applicant(s)

VOGLER, MICHEL

Examiner

HANG PAN

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 09/07/05, 10/11/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 25-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The subject matter in the claims is "a computer program product comprising computer readable code". A computer product that comprises only computer readable code per se, without a storage medium, is just a software program. Computer software program per se, when not tied to any particular hardware, is not considered one of the patentable subject matters under 35 U.S.C 101. See MPEP 2106.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-13, 15, 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nori et al. (WO 01/014962) hereinafter Nori, in view of Kohl (US 6163878).

With respect to claim 1, Nori teaches **"system for executing a software application comprising a computer system connected to a plurality of input/output interfaces and a database, the computer system being arranged for implementing a generic application engine and for receiving an application specification as input for the generic application engine"** (Fig. 4, page 17, line 14-24; a computer system in which an application can be built through development of a business process); **"which generic application engine is connected to the plurality of input/output interfaces and to the database, the generic application engine being arranged to use a set of functional components, such as database operations, logical operations, presentation functions, user input/output interfaces, logging and monitoring, to convert the application specification into the software application"** (Fig. 4, page 19, line 17-23; application engine 408 is connected to xml/http interfaces, and to a repository database; page 7, line 17-26; business processes are converted into software applications using business rules and objects); **"the application specification comprising: a) a specification of a plurality of data classes, a data class being a description of objects relevant within the software application, and the plurality of data classes forming a structure by means of relations"** (page 36, line 29-34; page 39, line 17-31; user defines various objects which form a project, objects have relations with each other).

Nori does not teach **"b) a specification of at least one user group of the software application, a user group being defined as a group of users having common roles with regard to the software application; and c) an assignment of**

permissions to the at least one user group with respect to the plurality of data classes". Kohl teaches "b) a specification of at least one user group of the software application, a user group being defined as a group of users having common roles with regard to the software application; and c) an assignment of permissions to the at least one user group with respect to the plurality of data classes" (column 5, line 35-48; application definition provides different access and security level for different groups of users). It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine Nori and Kohl so the specification defines and assigns permissions of the application's access level to a group of users, because this method offers a flexible and customizable way to allow different user utilize the same application.

Claims 25 and 26 are rejected under the same rationale as claim 1.

With respect to claim 3, Nori in view of Kohl teaches all the limitations of claim 1. Nori further teaches **"in which the application specification further comprises for each of the plurality of data classes a specification of a plurality of fields, each field representing an element for storing data values relating to an object"** (page 39, line 17-28; an object has many attribute fields).

With respect to claim 5, Nori in view of Kohl teaches all the limitations of claim 1. Nori further teaches **"in which the application specification further comprises for each of the plurality of data classes a specification of a plurality of categories, which can be used to structure all data related to an object"** (page 38, line 2-5; categories of artifacts in a hierarchy).

With respect to claim 6, Nori in view of Kohl teaches all the limitations of claim 1. Nori further teaches **"in which the application specification further comprises a specification of a plurality of domains, a domain being a list of lookup values that can be referenced to from the specification of fields"** (page 39, line 24-28; domain is referenced in the attribute fields).

With respect to claim 7, Nori in view of Kohl teaches all the limitations of claim 1. Kohl further teaches **"wherein the permissions are chosen from the group of: select permission; read permission; update permission; insert permission; copy permission; delete permission"** (column 7, line 39-42; update permission).

With respect to claim 8, Nori in view of Kohl teaches all the limitations of claim 1. Kohl further teaches **"wherein the value of each permission is one of the group of: no; yes; follow foreign object; own; constraint"** (column 7, line 39-42; update permission is yes for certain groups of users).

With respect to claim 9, Nori in view of Kohl teaches all the limitations of claim 1. Nori further teaches **"the application specification comprises a computational specification for describing further computational or logic functional parts of the software application"** (page 40, line 22-28; a rule to perform a simple calculation).

With respect to claim 10, Nori in view of Kohl teaches all the limitations of claim 1. Kohl further teaches **" wherein the application specification comprises an appearance specification for defining non-functional parts of the software application, such as user interface parts"** (claim 4, application definition data include application visual characteristics).

With respect to claim 11, Nori in view of Kohl teaches all the limitations of claim

1. Nori further teaches **"wherein the application specification (10) comprises an XML file"** (page 40, line 1-3).

With respect to claim 12, Nori in view of Kohl teaches all the limitations of claim

1. Nori further teaches **"system for building a software application comprising an input/output device, memory means and processing means connected to the input/output device and memory means, the processing means being arranged for defining an application specification, using the input/output device, and to store the application specification in the memory means, which application specification can be input in a system for executing a software application according to claim 1"** (Fig. 3, Fig. 4, page 16, line 1-17).

Claims 13, 15, 17-23 recite a method of implementing the system of claims 1, 3, 5-11, thus claims 13, 15, 17-23 are rejected under the same rationale as claims 1, 3, 5-11.

With respect to claim 24, Nori in view of Kohl teaches all the limitations of claim

12. Nori further teaches **"defining an application specification and storing the application specification, which application specification is arranged to be used in a method for executing a software application according to claim 12"** (page 11, line 9-17; capturing business processes to generate software applications).

Claims 2, 4, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nori (WO 01/014962), in view of Kohl (US 6163878), and in further view of Iriuchijima et al. (US 6070006) hereinafter Iriuchijima.

With respect to claim 2, Nori in view of Kohl teaches all the limitations of claim 1. Nori also teaches a class hierarchy (page 32, line 12-14). Nori in view of Kohl does not explicitly teach **"a data class hierarchy is defined in the application specification by specifying an extended data class as comprising one or more inherited characteristics of an associated super data class"**. Iriuchijima teaches **"a data class hierarchy is defined in the application specification by specifying an extended data class as comprising one or more inherited characteristics of an associated super data class"** (column 1, line 36-54). It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine Nori, Kohl and Iriuchijima so the application specification by specifying an extended data class as comprising one or more inherited characteristics of an associated super data class, because inheriting characteristics from a super class in a class hierarchy is an efficient way of organizing data and it is a well known concept.

With respect to claim 4, Nori in view of Kohl teaches all the limitations of claim 3. Nori also teaches a class hierarchy (page 32, line 12-14). Nori in view of Kohl does not explicitly teach **"in which a field hierarchy is defined in the application specification by specifying an extended field as comprising one or more inherited field characteristics of an associated super field"**. Iriuchijima teaches **"in which a field hierarchy is defined in the application specification by specifying an extended**

field as comprising one or more inherited field characteristics of an associated super field" (column 1, line 36-54; child class inherits attribute fields from a parent class). It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine Nori, Kohl and Iriuchijima so the application specification by specifying an extended data class as comprising one or more inherited characteristics of an associated super data class, because inheriting characteristics from a super class in a class hierarchy is an efficient way of organizing data and it is a well known concept.

Claims 14 and 16 recite a method of implementing the system of claims 2 and 4, thus claims 14 and 16 are rejected under the same rationale as claims 2 and 4.

Conclusion

The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure. See PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HANG PAN whose telephone number is (571)270-7667. The examiner can normally be reached on Mon-Fri, 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. P./
Examiner, Art Unit 2193

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193